

# Examiner-Initiated Interview Summary

Application No.

09/879,709

Applicant(s)

SUMMERS, WADE

Examiner

Justin R Fischer

Art Unit

1733

## All Participants:

(1) Justin R Fischer.

(2) Theresa Camoriano.

Status of Application: Pending

(3) \_\_\_\_\_.

(4) \_\_\_\_\_.

Date of Interview: 5 August 2003

Time: 8:30

## Type of Interview:

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No  
If Yes, provide a brief description:

## Part I.

Rejection(s) discussed:

*35 U.S.C 103 in view of either one of Krum, Peck, or Grubb*

Claims discussed:

*1*

Prior art documents discussed:

*Krum, Peck, and Grubb*

## Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

## Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

\_\_\_\_\_  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's representative argued that the tire of Krum would not be operative (mountable) with a safety rim construction since the tire contains a plurality of spaced, inflatable elements C that would restrict the ability to slide the tire onto the rim. In particular, applicant has attempted to mount an inventive tire with three or more rim locks and has been unable to do so (argued that such a mounting would be analogous to that of Krum having a plurality of spaced points C). Also, applicant argued that only Krum teaches the inclusion of inflatable balls that are not defined within a spacing or container (e.g. they are free to move in the circumferential direction). Lastly, applicant suggested new language that defined "at least 50% of the inflated balls are free to move in the circumferential direction". However, it is the examiner's position that the original disclosure fails to contain support for such language or any language that defines embodiments in which all of the balls are not free to move. The original disclosure is not directed to embodiments in which there is a combination of fixed and free balls- there is only a description of an embodiment in which all of the balls are free to move in the circumferential direction. Thus, while an embodiment having all of the balls (100%) be free is within the range of "at least 50%", the proposed language constitutes new matter since a fair reading of the original disclosure does not suggest a combination of fixed and free balls, which is suggested by the proposed language.

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8/5/03

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